

REMARKS:

REMARKS REGARDING CLAIMS AMENDMENTS:

Claims 1, 3 - 5 and 8 - 9 have been cancelled, claims 2, 6 and 7 have been amended and new claims 10 - 14 are presented to place all pending claims in condition for allowance. Claims 2, 6, 7 and 10 - 14 are pending in the present application. New claims 10 - 14 obtain support from the original claims, the drawings and description of the present application.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 112:

Claims 1 - 9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3 - 5 and 8 - 9 have been cancelled and new claims 10 - 14 presented in a form that clarifies the claimed invention, and putting the claims in condition for allowance.

REJECTION UNDER 35 U.S.C. § 102:

The Office Action indicated rejection of claims 1 - 3 and 8 - 9 under 35 U.S.C. 102(a) as being anticipated by Japanese '842 [JP 200280842- Nissan Diesel Kogyo KK].

Claims 1, 3, 8 and 9 have been cancelled. Claim 2 now depends from new claim 10 that includes subject matter that is allowable according to the following section addressing claims objections.

CLAIMS OBJECTIONS

Applicants gratefully acknowledge notification of the allowable subject matter associated with claims 4 - 7. New claim 10 includes limitations from claim 1 and claim 4 to provide an independent claim that meets the requirements for an allowable claim.

Similarly the limitations of original claim 4 have been included in new method claim 13 to provide a claim containing subject matter deemed allowable by the examiner.

OTHER CITED REFERENCES

Review of the prior art made of record, but not relied upon, including Long; Hawk; Miller; Okai et al.; Myer; Nespor; Braucci; Schwenk; Ozawa et al.; Sato et al; Iwamoto et al. and Slaughter et al reveals reference material addressing retractable bumpers, crushable bumpers, at least one limited to the rear of the vehicle and methods of bumper attachment differing from the present invention. The number for Wang et al. was found to be incorrect. None of the reviewed references appear to teach subject matter claimed by the present invention.

Cancellation of claims 1, 3 - 5 and 8 - 9, amendment of claims 2, 6 and 7 and submission of new claims 10 - 14 places the present application in condition for allowance taking into consideration issues associated with previous rejection of claims. Given the above, applicants request that the rejection of claims under 35 U.S.C. §112 second paragraph and under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Applicants have made an earnest attempt to respond to all the points included in the Office Action. Request is respectfully made for reconsideration of the application and notification of allowance of amended claims 2, 6 and 7, along with new claims 10 - 14 in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 06730.0056.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy Druce". The signature is fluid and cursive, with the first name "Tracy" written in a larger, more prominent script than the last name "Druce".

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